

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH L. VONEIDA,	:	CIVIL ACTION NO. 1:11-CV-0865
Plaintiff	:	
	:	
	:	(Judge Conner)
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, GOVERNOR TOM	:	
CORBETT, ATTORNEY GENERAL	:	
LINDA KELLY, PENNSYLVANIA	:	
STATE POLICE COMMISSIONER	:	
FRANK NOONAN,	:	
Defendants	:	

ORDER

AND NOW, this 16th day of March, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge J. Andrew Smyser (Doc. 27), recommending that defendants' motion to dismiss the amended complaint (Doc. 16) be granted, and that plaintiff's motion for summary judgment (Doc. 24) be denied, and, following an independent review of the record and noting that plaintiff filed objections¹ to the report on March 7, 2012 (Doc. 29), and the court finding Judge Smyser's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Smyser's report (Doc. 36), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Smyser (Doc. 27) are ADOPTED.
2. Defendants' motion to dismiss the amended complaint (Doc. 16) is GRANTED.
3. Plaintiff's motion for summary judgment (Doc. 24) is DENIED.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge